

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS

SHELLFISH OPENING FACILITIES

LOCAL REGULATION 37.00

A. Purpose

This Section 37.00 is intended to protect the public health of shellfish consumers by regulating and controlling the shucking/initial storage facilities of licensed commercial shellfish takers

B. Authority

This Section 37.00 is adopted by the Town of Nantucket Board of Health ("The Board") as authorized by M.G.L. c. 111 ss. 31.

C. Preamble

This Section 37.00 shall supplement the provisions of federal, state and local law applicable to the handling, processing, and storage of potentially hazardous foods, including without limitation: 105 CMR 5333.00 et seq. and the guidelines established by the Massachusetts Department of Public Health, Division of Food and Drugs. In the event of any conflict between this Section 37.00 and such provisions of federal, state and local law, the more strict provision shall apply.

D. Definitions

Terms used in this Section 37.00 shall have the meanings:

1. As defined in this Section 37.00 or, if not defined herein,
2. as defined in 105 CMR.533 et seq. or if not defined therein,
3. as defined in 21 CFR 110.3 or if not defined therein

4. as defined in the 1999 Revised National Shellfish Sanitation Program (NSSP) Model Ordinance or, if not defined therein

5. as used in common usage .

Adequate – means that which is needed to accomplish the intended purpose in keeping with good public health practices.

Assure - means to make best efforts within the reasonable limits of manpower and resources to fulfill the objectives of this Section 37.00.

Cross Connection – means an unprotected actual or potential connection between a potable water supply and any source or system containing unapproved water or a substance that is not or cannot be approved as safe and potable.

Sanitize - means to adequately treat food contact surfaces by a process that is effective in:

1. destroying vegetative cells of microorganisms of public health significance;
2. substantially reducing the numbers of other undesirable microorganisms; and
3. not adversely affecting the product or its safety for the consumer.

37.00 REGULATIONS FOR LICENSED SHUCKING FACILITIES.

37.01 CONSTRUCTION.

- A. All shucking facilities shall be fully enclosed and utilized for the expressed purpose of shellfish shucking only. The room or rooms used for shucking shall be effectively separated from other rooms or spaces in the building by a suitable full partition or walls.**
- B. All walls and ceilings shall be constructed as to be impervious, smooth, easily cleanable washable, light colored, corrosion resistant, free from cracks and uneven surfaces and in good repair.**
- C. All floors shall be corrosion resistant, easily cleanable, impervious, free from cracks and uneven surfaces, and shall be graded to provide adequate drainage in all areas where floors are subject to flooding type cleaning or where normal operations release or discharge water or other liquid waste on the floor and shall have sealed junctions between floors and walls to render them impervious to water.**
- D. Shucking benches shall be impervious, smooth, non-absorbent and constructed from nontoxic, corrosion resistant material, free from cracks and constructed in such a way as drainage is complete and directed away from all shellfish. Corners shall be rounded and/or coved to facilitate cleaning and prohibit the growth of bacteria.**
- E. All shellfish contact surfaces shall be protected from contamination from drip condensate (condensation) from fixtures, ducts, pipes, etc.**

- F. Any lighting fixtures, light bulbs, skylights or other glass suspended over shellfish processing areas shall be of the safety type or protected to prevent food contamination in case of breakage.**
- G. All areas of the shellfish processing facility shall be maintained free from insects, rodents, and other pests. Effective measures shall be taken to exclude pests from the processing areas and to protect against the contamination of shellfish on the premises by pests.**
- H. Cleaning compounds, hazardous materials, rodenticides and insecticides shall be stored so as to prevent contamination of shucked shell fish.**

37.02 WASTE RECEPTICALS.

- A. A suitable number of waste containers shall be provided, and no waste allowed to accumulate except within these containers. All containers shall be emptied regularly and cleaned at the end of each days use. Rubbish and any offal shall be so conveyed, stored and disposed of as to minimize the development of odor, minimize the potential for waste becoming an attractant and harborage place for pests and protect against contamination of shellfish, shellfish contact surfaces, water supplies and ground surfaces.**

37.03 WATER SUPPLY.

- A. Water supply shall be from a source approved by the Board of Health.**
- B. Cross connections shall not be present within or service the facility.**
- C. Each enclosed shucking facility shall have, within the shucking facility, a three compartment sink capable of providing both hot and cold running water. Paper towels**

shall be provided within the shucking facility. A single bay of a three bay sink may serve as an appropriate hand washing station.

- D. Hot water for hand washing shall be provided at 120 degrees F minimum.
- E. Following each days operation, all shellfish contact surfaces shall be cleaned and sanitized with 170 degree F water or washed with a sanitizer or bleach solution containing no less than 50 ppm of available chlorine at a temperature of not less than 75 degrees F.
- F. Ice shall be from a source approved by the Board of Health.

37.04 UTENSILS & EQUIPMENT – CONSTRUCTION.

- A. All utensils utilized in the shucking of shellfish shall be of corrosion-resistant, non-absorbent, non-toxic, smooth material, which will not readily crack or disintegrate. All seams and joints shall have a smooth surface for ease of cleaning.

37.05 UTENSILS AND EQUIPMENT – CLEANING.

- A. As frequently as is necessary to protect against contamination of food, all utensils utilized in the shucking of shellfish shall be cleaned and sanitized in a three bay sink with a three step process consisting of immersion in a wash solution followed by a separate rinse solution and finally sanitized by immersion in 180 degree F water or immersion in a sanitizer or chlorine bleach solution containing no less than 50 ppm of available chlorine at a temperature of not less than 75 degrees F.

37.06 TOILET FACILITIES.

- A. Toilet facilities shall be provided.
- B. Toilet facilities shall not be located in any room where shellfish

are opened, shucked, stored, handled, or packed.

- C. The doors of all toilet facilities shall be self closing, and shall not open directly into rooms where shellfish are opened, shucked, stored, handled, or packed.
- D. Toilet facilities shall be adequate for the number of employees and readily accessible to employees. Employees shall wash their hands thoroughly prior to commencing work and before resuming work following each interruption and when their hands may have become soiled or contaminated. A sink or wash basin with hot and cold water under pressure, separate from that required within the shellfish shucking space, and supplied with soap and paper towels shall be provided conveniently located with respect to the toilet room.
- E. Signs directing employees to wash hands after every work interruption shall be conspicuously posted.

37.07 PERSONNEL.

- A. The use of all tobacco products within the shucking facility is Prohibited.
- B. Any person who has an illness, open lesion including boils, sores, or infected wounds, or any other abnormal source of microbial contamination by which there is a reasonable possibility of shellfish, shellfish contact surfaces or shellfish packing or storage materials becoming contaminated shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
- C. Individuals shall thoroughly wash and sanitize hands as necessary to protect against contamination with undesirable microorganisms.
- D. Individuals shall not eat within scallop shucking facilities.

37.08 REFRIGERATION.

- A. Adequate mechanical refrigeration shall be provided to reduce product storage temperatures to 45 degrees F within three hours, and maintain a temperature of 45 degrees F or less for immediate storage of shucked shellfish.**

37.09 PACKING CONTAINERS.

- A. All shucked meats shall be packed in new or previously unused containers of metal or such materials as may be approved by the Department. These containers shall be clean and adequately sealed at time of packing. Prior to use, containers shall be stored in a sanitary manner and protected from contamination. Metal containers shall be sealed by a friction type cover. Sealing of other containers shall be adequate to protect shellfish from contamination and approved by the Board of Health and the Division of Marine Fisheries.**
- B. All containers shall be clearly labeled with all information and permit numbers as required by the Massachusetts Department of Public Health, Division of Food and Drugs.**
- C. All containers shall be clearly labeled with all information and permit numbers as required by the Department of Public Health, Division of Food and Drugs.**

37.10 TEMPERATURE CONTROL

- A. All storage and transport of finished scallop products shall be under conditions that will protect the product against physical, chemical, and microbiological contamination .**

37.11 FINE FOR VIOLATION.

- A. The fine for a violation of any provision of these Rules and regulations shall be \$50.00 for the first offence, \$100.00 for the second offence, and \$ 300.00 for the third and any continuing offence. Each date a violation continues shall be deemed a separate offence.

37.12 NON CRIMINAL DISPOSITION.

- A. In accordance with M.G.L. Chapter 40, Section 21D and these regulations, whoever violates any provision of these Regulations for Licensed Opening Facilities – 37.00: Sections 37.00 through 37.11 may be penalized by utilization of the Town of Nantucket non-criminal disposition (c. 1-2, 1-3, 1-4, 1-5, and 1.6 of the Code of Nantucket). Enforcing persons shall be: the Health Officer, and the Assistant Health Officer.

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